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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,056	12/30/2003	Charles Douglas Ball	RPS920030201US1	8331
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Kunzler & McKenzie 8 EAST BROADWAY, SUITE 600 SALT LAKE CITY, UT 84111			EXAMINER SCHMIDT, KARI L	
			ART UNIT 2139	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/748,056	<b>Applicant(s)</b> BALL ET AL.	
	<b>Examiner</b> Kari L. Schmidt	<b>Art Unit</b> 2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17, 19-24 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-24 and 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Notice to Applicant***

This communication is in response to the amendment filed on 06/11/2007.

Claims 1-17, 19-24 and 26-30 remain pending. Claims 1-2, 4, 6, 8, 17, 24 and 30 have been amended. Claims 18 and 25 have been canceled.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 9-10, 14, 16, 19-23, 27-29 recites the limitation "the computing module" in the following claims. There is insufficient antecedent basis for this limitation in the claim. The examiner will interrupt this to be the excluding and non-conforming modules.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17, 19-24 and 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ilnicki et al. (7,069,434 B1) as best interrupted in light of the U.S.C 112 rejection.

#### Claim 1

Ilnicki discloses a secure data processing device, the device comprising: a secure function module configured to receive an excluding computing module context (see at least, column 2, lines 42-55, Figure 1, browser and measuring agent), and to transact secure function with an excluding computing module in which the secure function module receives the excluding computing module's context (see at least, Figure 1, column 2, lines 42-55: the examiner notes that the measuring agent resides in the browser which would receive secure content to transact);

the secure function module further configured to receive an non-conforming computing module context (see at least, Figure 4, column 4, lines 6-10: Agent), and to transact secure functions with a non-conforming computing module in which the secure function module receives the non-conforming computing module's context (see at least, Figure 4: "the browser launches agent");

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a communication module configured to communicate with the excluding computing module, the excluding computing module configured to exclusively transact the secure function with the secure function module (see at least, column 2, lines 42-55: agent communicates data to the web server through a secure channel e.g. SSL), the communication module further configured to communicate with the non-conforming computing module, the non-conforming computing module configured to transact the secure function with the secure function module (see at least, Figure 4, column 4, lines 21-29: "transferring data between an application server and an agent of the application server through a non-trusted node"); and

a context module configured to set the context of the secure function module to the excluding computing module context and, to set the context of the secure function module to the non-conforming computing module context (see at least, column 10, lines 55-64: the examiner notes in a case of a non trusted environment the agent communicates via the non conforming computing module, in a case of a trusted environment communicates via the secure connection all handled by the Agent).

### Claim 2

Ilnicki discloses the device of claim 1, wherein context module is configured to set the context of the secure function module to either the excluding computing module context or the non-conforming computing module context (see at least, column 10, lines 55-64: the examiner notes in a case of a non trusted environment the agent communicates via

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the non conforming computing module, in a case of a trusted environment communicates via the secure connection all handled by the Agent).

### Claim 3

Ilnicki discloses the device of claim 1, wherein context module is configured to set the context of the secure function module to the first computing module context and to the second computing module context (see at least, column 10, lines 55-64: the examiner notes in a case of a non trusted environment the agent communicates via the non conforming computing module, in a case of a trusted environment communicates via the secure connection all handled by the Agent).

### Claim 4

Ilnicki discloses the device of claim 1, wherein context module is configured to arbitrate the setting of the context of the secure function module to the excluding computing module context and to the non-conforming computing module context (see at least, column 10, lines 55-64: the examiner notes in a case of a non trusted environment the agent communicates via the non conforming computing module, in a case of a trusted environment communicates via the secure connection all handled by the Agent).

### Claim 5

Ilnicki discloses the device of claim 1, wherein the context module is configured to set the context of the secure function module responsive to an electrical signal (see at

least, Figure 4: the examiner notes the browser launching the agent is interrupt to be an electrical signal residing in a computer).

Claim 6

Ilnicki discloses the device of claim 5, wherein the electrical signal is an address (see at least, Figure 4: the examiner notes the agent communicating to the web server via the launch of the browser to be an electric signal containing an address).

Claim 7

Ilnicki discloses the device of claim 1, wherein the context module is configured to set the context of the secure function module responsive to data communicated to the communication module (see at least, column 10, lines 55-64: the examiner notes in a case of a non trusted environment the agent communicates via the non conforming computing module, in a case of a trusted environment communicates via the secure connection all handled by the Agent).

Claim 8

Ilnicki discloses a computing module, the module comprising: an identification module configured to identify an excluding computing module to a secure computing module and set the context of the secure computing module to an excluding computing module context (see at least, column 10, lines 55-64: the examiner notes in a case of a non

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trusted environment the agent communicates via the non conforming computing module, in a case of a trusted environment communicates via the secure connection all handled by the Agent; Figure 1, column 2, lines 42-55: the examiner notes that the agent resides in the browser which would receive secure content to transact), the identification module further configured to identify a non-conforming computing module to the secure computing module and set the context of the secure computing module to a non-conforming computing module context (see at least, column 10, lines 55-64: the examiner notes in a case of a non trusted environment the agent communicates via the non conforming computing module, in a case of a trusted environment communicates via the secure connection all handled by the Agent; column 4, lines 6-10: Agent);

an address module configured to address a secure function of the secure computing module (see at least, Figure 4: the examiner notes agent derives shared secret from its and apps public keys);

and a data module configured to exchange data with the secure computing module (see at least, Figure 4: "the browser launches agent").

#### Claim 9

Ilnicki discloses the module of claim 8, the identification module further configured to identify the computing module with an address communicated from the address module (see at least, Figure 4: the examiner notes agent derives shared secret from its and apps public keys and the browser launches agent).



Claim 10

Ilnicki discloses the module of claim 8, the identification module further configured to identify the computing module with data communicated from the data module (see at least, Figure 4: the examiner notes agent derives shared secret from its and apps public keys and the browser launches agent).

Claim 11, 17, 24 and 30

Ilnicki discloses a secure data processing system, the system comprising:  
a secure computing module configured to identify a computing module responsive to the computing module initiating transacting a secure function with the secure computing module, the secure computing module further configured to set the context of the secure computing module to the computing module context, wherein the secure computing module is configured to transact the secure function with the computing module (see at least, column 10, lines 55-64: the examiner notes in a case of a non trusted environment the agent communicates via the non conforming computing module, in a case of a trusted environment communicates via the secure connection all handled by the Agent);  
an excluding computing module configured to initiate transacting the secure function with the secure computing module, the excluding computing module further configured to exclusively transact the secure function with the secure computing module (see at

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least, column 10, lines 55-64: the examiner notes in a case of a non trusted environment the agent communicates via the non conforming computing module, in a case of a trusted environment communicates via the secure connection all handled by the Agent; Figure 1, column 2, lines 42-55: the examiner notes that the agent resides in the browser which would receive secure content to transact); and a non-conforming computing module configured to initiate transacting the secure function with the secure computing module, the non-conforming computer module further configured to transact the secure function with the secure computing module (see at least, column 10, lines 55-64: the examiner notes in a case of a non trusted environment the agent communicates via the non conforming computing module, in a case of a trusted environment communicates via the secure connection all handled by the Agent; column 4, lines 6-10: Agent).

#### Claim 12

Ilnicki discloses the system of claim 11, wherein either the excluding computing module or the non-conforming computing module transacts the secure function with the secure computing module (see at least, column 10, lines 55-64: the examiner notes in a case of a non trusted environment the agent communicates via the non conforming computing module, in a case of a trusted environment communicates via the secure connection all handled by the Agent).

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Claim 13, 19, 20 & 26

Ilnicki discloses the system of claim 11, wherein the excluding computing module and the non-conforming computing module transact the secure function with the secure computing module (see at least, column 10, lines 55-64: the examiner notes in a case of a non trusted environment the agent communicates via the non conforming computing module, in a case of a trusted environment communicates via the secure connection all handled by the Agent).

Claim 14, 21 & 27

Ilnicki discloses the system of claim 11, wherein the secure computing module identifies the computing module from an electrical signal (see at least, Figure 4: the examiner notes the browser launching the agent is interrupt to be an electrical signal residing in a computer).

Claim 15, 22 & 28

Ilnicki discloses the system of claim 14, wherein the electrical signal is an address (see at least, Figure 4: the examiner notes the agent communicating to the web server via the launch of the browser to be an electric signal containing an address)..

Claim 16, 23 & 29

Ilnicki discloses the system of claim 11, wherein the secure computing module identifies the computing module from a data value (see at least, Figure 7: "collective measured data").

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kari L. Schmidt whose telephone number is 571-270-1385. The examiner can normally be reached on Monday - Friday: 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2385.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KS

CHRISTOPHER REVAK  
PRIMARY EXAMINER

